

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Kaden Elizabeth Gilbert

Case No.

1:20-mj-30487

Judge: Morris, Patricia T.

Filed: 11-17-2020 At 12:55 PM

CMP USA v. Kaden Elizabeth Gilbert (krc)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 16, 2020 in the county of Isabella in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1151  
 18 U.S.C. § 1152  
 18 U.S.C. § 1111(a), Murder 1st degree, Count 1  
 18 U.S.C. § 113(a)(3), Assault with Dangerous  
 Weapon, Counts 2 & 3  
 18 U.S.C. § 113(a)(6), Assault Causing Serious  
 Bodily Injury Counts 4 & 5

Defendant, a non-Indian, COUNT 1: willfully, deliberately, maliciously, and  
 with premeditation and malice aforethought did unlawfully kill N.M., an  
 Indian; COUNTS 2 & 3: assaulted, that is, intentionally struck and injured  
 N.M. and J.A., both Indians, with a dangerous weapon, that is: a knife, with the  
 intent to do bodily harm; COUNTS 4 & 5: assaulted, N.M. and J.A., both  
 Indians, and that assault resulted in serious bodily injury, and this all occurred  
 within Indian country, in violation of 18 U.S.C. §§ 1151, 1152, 1111(a)  
 (count 1), 113(a)(3) (counts 2 & 3), and 113(a)(6) (counts 4 & 5),

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Autume Balcom, BIA

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/17/2020City and state: Bay City, Michigan


Judge's signature

Patricia T. Morris, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT  
FOR KADEN ELIZABETH GILBERT**

I, Autume Balcom, being duly sworn, depose and state:

1. I am an officer with the Bureau of Indian Affairs and have been a law enforcement officer for approximately 13 years. During my career I have been involved in numerous investigations concerning assaults and weapons. The following is based on a statement from witnesses and statements from other law enforcement officers and individuals.
2. The information included in this affidavit is provided for the limited purpose of establishing probable cause that Kaden Elizabeth Gilbert committed the offenses of murder in the first degree, two counts of assault with a dangerous weapon with the intent to do bodily harm, and two counts of assault causing serious bodily injury on or around November 16, 2020, in violation of 18 U.S.C. §§ 1111(a), 113(a)(3), and 18 U.S.C. § 113(a)(6) respectively and therefore it does not contain all of the facts known to me. Additionally, unless otherwise noted, wherever in this affidavit I assert that an individual made a statement, that statement is described in substance herein and is not intended to be a verbatim recitation of such statement.
3. Two eye witnesses told police they saw Kaden Elizabeth Gilbert stab N.M. and J.A. with a knife on or about November 16, 2020 at 714 S. Oak Street, Mt. Pleasant, MI on the Isabella Reservation in Indian country. Additionally, one of the eye witnesses said that N.M. told him that N.M. was stabbed by Kaden Gilbert.
4. Affiant knows that N.M. and J.A. are both Indians and that Gilbert is listed as a non-Indian in her criminal history LEIN paperwork.
5. A video recording which partially shows the incident exists and was reviewed by Affiant and another police officer. According to Detective Sabuda, the video shows Gilbert open up a

folding-style knife at around 2:24:25 a.m. and conceal it under her sleeve. Affiant also saw a portion of the video where Gilbert pulled her shirt or sweater over her hand concealing her hand and whatever was in her hand as Gilbert walked toward the doorway of the victim's apartment building where the stabbing occurred.

6. Other things that are shown in the video are as follows: at 2:24:30 a.m. Gilbert stood in the area of the doorway where the stabbing occurred. At 2:25:02 a.m. Gilbert entered that doorway of the apartment building. At 2:25:14 a.m. Gilbert exited the building and took five steps backwards away from the doorway. No one else appeared in the video in the gap between Gilbert and the doorway to the apartment building during that time. At 2:25:20 a.m. Gilbert moved quickly forward toward the doorway to the apartment. Gilbert covered the same amount of distance she covered in the previously mentioned five backwards steps in two long steps. As Gilbert got near the door of the apartment she made multiple underhand jabbing/stabbing motions with her right hand into the area of the apartment building doorway. At 2:25:23 a.m. Gilbert entered the apartment building out of view of the camera. At 2:25:27 a.m. Gilbert exited. At 2:25:31 a.m. Gilbert re-entered the apartment building and was out of view of the camera. At 2:25:36 a.m. Gilbert exited the apartment and ran away toward the camera.
7. The video does not show either of the stabbing victims outside of the apartment building during the times mentioned above and does not show them being stabbed. Due to the angle of the camera, the video does not show inside the apartment building where the stabbing happened, only the area immediately outside the apartment doorway is shown. Around 50 seconds passed between the time that Gilbert opened the knife and the time when Gilbert started making jabbing/stabbing motions with the knife where the victims were injured.

8. Both victims were stabbed in locations on their bodies consistent with the underhand jabbing/stabbing motions seen in the video. J.A. was stabbed in the mid-lower abdominal area. N.M. was stabbed in her left upper thigh. According to the doctor who treated N.M., N.M. lost almost all of her blood from the stabbing due to her femoral artery being severed. In an effort to save N.M.'s life, N.M. had approximately 25 minutes of cardio pulmonary resuscitation and had two electrical shocks. This resuscitated her temporarily, however, N.M. eventually died from the injuries sustained during the stabbing. J.A.'s intestines protruded out of the stab wound caused by the incident.
9. Based on the above-described information, there is probable cause to believe that on or around November 16, 2020, Kaden Elizabeth Gilbert committed one count of murder in the first degree, in violation of 18 U.S.C. § 1111(a); two counts of assault with a dangerous weapon with the intent to do bodily harm, in violation of 18 U.S.C. § 113(a)(3) and two counts of assault causing serious bodily injury, in violation of 18 U.S.C. § 113(a)(6).



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Autume Balcom  
BIA

Sworn to before me and signed in my presence  
and/or by reliable electronic means.



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HON. PATRICIA MORRIS  
United States Magistrate Judge